

IN THE UNITED STATES DISTRICT COURT FILED BY.....D.C.
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 DEC 16 AM 11:42

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

JOHN WILLIAM DAILEY, III,

Petitioner,

vs.

BRUCE PEARSON,

Respondent.

X
X
X
X
X
X
X
X
X
X

No. 05-2896-Ma/V

ORDER DIRECTING PETITIONER TO FILE AN IN FORMA PAUPERIS AFFIDAVIT
OR PAY THE HABEAS FILING FEE

Petitioner John William Dailey, III, Bureau of Prisons inmate registration number 24541-001, an inmate at the Federal Correctional Institution in Memphis ("FCI-Memphis"), filed a pro se petition pursuant to 28 U.S.C. § 2241 on December 6, 2005. The Clerk shall record the respondent as FCI-Memphis Warden Bruce Pearson.

A habeas petition carries a filing fee of five dollars (\$5.00). 28 U.S.C. § 1914(a). Dailey's petition is not accompanied by either the filing fee or a motion to proceed in forma pauperis. Accordingly, Dailey is ORDERED either to submit a properly completed in forma pauperis affidavit demonstrating his indigency, along with an inmate trust fund account statement, or pay the

filing fee within thirty (30) days of the entry of this order. The Clerk is ORDERED to mail a copy of the prisoner in forma pauperis affidavit to petitioner along with this order.¹ Failure to timely comply with any requirement of this order will result in dismissal of the petition without further notice for failure to prosecute.

IT IS SO ORDERED this 14th day of December, 2005.



SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE

¹ In the interest of expediting this matter, petitioner is advised that, if his inmate trust fund account has a balance of at least twenty-five dollars (\$25.00), an application to proceed in forma pauperis will be denied.



Notice of Distribution

This notice confirms a copy of the document docketed as number 2 in case 2:05-CV-02896 was distributed by fax, mail, or direct printing on December 16, 2005 to the parties listed.

John William Dailey
FCI - Memphis
24541-001
P.O. Box 34550
Memphis, TN 38184--055

Honorable Samuel Mays
US DISTRICT COURT